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The Week

THE PRESIDENT'S message to Congress is written in a spirit of toleration and with a fund of insight marred by his failure to hitch political theory to administrative practice. He warns Congress against meeting unrest with impatience. "With the free expression of opinion," he declares, " and with the advocacy of orderly political change, however fundamental, there must be no interference." But in the same paragraph in which the President lays down this principle he recommends the passage of Mr. Palmer's anti-sedition bill as a check upon that sort of agitation which incites to "crime and insurrection." He does not seem to have even a troubling suspicion that the Palmer measure goes far beyond crime and insurrection, and crushes freedom of thought with better thoroughness than any generation of Americans has yet tolerated.

SIMILARLY, though Mr. Wilson again resorts to his phrase "a genuine democratization of industry," he offers little practical guidance for those who would achieve it. He declares his support for "the right of men collectively to bargain for humane objects"; but he was silent when Mr. Gary curtly denied that right to the steel workers. He asserts that a return to "the old standards" of wages and conditions of labor are "unthinkable"; but he permits Mr. Garfield to propose a strike settlement that can get only part of the coal-miners back to "the old standards" of 1914. The President fixes a principle; supports the subordinate who rejects it. There is the same gap between political theory and administrative responsibility that turned the Fourteen Points into the Treaty of Versailles.

DR. GARFIELD'S proposal of a fourteen per cent increase in average mining wages rests upon two assumptions. One is that coal prices should not and will not be increased, and that present prices give margin enough for a fourteen per cent increase in pay but not for more. The other assumption is that a fourteen per cent increase would place mine labor, as a whole, where it stood in 1914. Dr. Garfield does not propose that the increased earnings shall be so distributed that each class will stand where it then stood. Some will have more, some less, measured in purchasing power. But the laborers who find that the five years have left them worse off can take comfort in the thought that other laborers have gained what they have lost.

THE mine operators exhibit a willingness to accept Dr. Garfield's solution, with reservations so skilfully drawn that an impression is given of unqualified acceptance. The chief reservation relates to the price of coal. The fourteen per cent wage increase, the operators point out, would entirely eliminate profits for some mines; therefore they intend to move for a readjustment of prices for all mines. Only less important is the reservation that the war wage contract, as modified by Dr. Garfield's fourteen per cent, should be continued in force until March 31, 1922. That is, the operators propose to bind wages down for sixteen months while leaving open opportunities

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for raising prices, under government approval until the piece treaty is ratified and of course with or without government approval thereafter. Thus, while really conceding nothing, while flatly repudiating one of the premises of Dr. Garfield's award—that prices should not and will not be increased—they manage to present an appearance of conceding everything. Would that we had had such competent diplomats at Paris!

AS for the miners, they can not formally reject Dr. Garfield's proposal, for that would bring down the flail of the injunction on their necks. They can protest, and that they are doing, with great vehemence and bitterness. They are not convinced by Dr. Garfield's calculations on wages and living costs, and if they were, they could not see why, since the standards of some classes must be raised above the 1914 level, those of other classes must be correspondingly lowered. Neither do they look upon the 1914 level as something too perfect to be susceptible of improvement. As for the idea that they must not under any circumstances receive an advance that would involve an increase in the price of coal, they argue that any increase they receive will be reflected in the price of coal as soon as the Fuel Controller's powers lapse, if not before. Whether in the circumstances they will go back to work in a spirit conducive to efficient production remains to be demonstrated.

MANY strange attempts have recently been made to secure a greater productivity on the part of labor, but none more strange than the efforts of various authorities in Carneyville, Wyoming. What happened, apparently, was that federal troops summarily arrested fifty-two striking miners at the request of a county sheriff. No warrants were issued. None were asked for. The miners were simply put in a guard-house. Here action halted. The prosecuting attorney had no state law he could use against the miners. Department of Justice agents refused to take a hand. The army major who had led the charge declared his prisoners belonged to the sheriff. And the sheriff has apparently concluded to set them free. It seems to have been a case of law and order running riot.

WHAT the International Labor Conference achieved before its adjournment shows chiefly the progress that must be made before even the most vicious practices are ruled out of industry. One of the recommendations of the Conference deals with a standard working day; its other three recommendations ask (1) that there be no night work for women between 10 P. M. and 5 A. M.; (2) that women workers be granted a six-weeks' leave of absence prior to childbirth; and (3) that the employment in industry of children under 14 years be prohibited—except in Japan and India, where it is asked that the standard be raised from 9 to 12 years. The International Conference created a permanent organization and a central office; but its first great service has been to point out the cruelly low standards that an industrial civilization still permits.

LAMENTING the existence of anarchy in Soviet Russia, it is nevertheless possible that our first diplomatic dealings with the Russian government will be concerned with the shipment, not of food, but of more anarchists. Present alarm about deportations is due to the discovery made by a Congressional committee that not all the suspects sent to Ellis Island have been shipped abroad. A good part of current newspaper clamor assumes a sharp, unmistakable distinction between aliens who are "red" and those who are not "red"—and demands that a judicial function be exercised summarily by purely administrative officials. Nor is it even necessary for an alien to commit a crime; a record of radical activities before his coming to America is thought to be evidence enough on which to deport him. It is a long time—seven years, in fact—since a Republican party platform declared "the right of asylum is a precious possession of the people of the United States and it is neither to be surrendered nor restricted."

IN Siberia the retreat of Admiral Kolchak has become a desperate effort to escape annihilation. The Omsk army is retreating on a front of 110 miles with no show of resistance. For once we have a neutral summary of the offensive. Colonel G. H. Emerson, of the American Railway Commission, reports that Kolchak has lost eleven generals, a thousand other officers, thirty-nine thousand troops, and a vast quantity of material including four million rounds of ammunition. The situation is so desperate that it will strongly tempt the Japanese to come in. The Jiji Shimpo says there is a growing opinion in Tokio that Japan can no longer hold back the armies she has ready.

TO explain Kolchak's vast collapse the propagandists (overlooking the four million rounds of surrendered ammunition) are again rushing forward with the excuse that Kolchak's allies failed to supply enough munitions. What was really at fault, however, is suggested in the news dispatches. Kolchak, says an Associated Press cable from Irkutsk, intends to form a new cabinet. It is to be a cabinet "with the greatest possible socialistic ten-

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dencies compatible with Admiral Kolchak's stand against Bolshevism." Why this sudden emphasis upon socialistic tendencies? Because, the dispatch explains, "when the Kolchak Ministers arrived at Irkutsk on November 19th, with their armies fleeing before the Reds and the Gaida revolt progressing at Vladivostok, they found most serious opposition on the part of the Social Revolutionary elements here to a continuance of the functioning of the present government." In that dispatch the truth leaks through. Kolchak collapsed because he hadn't the semblance of genuine popular support—and such support no amount of foreign arms will ever win him.

The Jenkins Case

IT is difficult to understand just what our State Department is trying to accomplish in its belligerent correspondence with Mexico. Some time ago an American business man named Jenkins, who incidentally discharges consular functions, was kidnapped by Mexican bandits and compelled, so the press reports indicated, to pay a heavy ransom. At the time the State Department pointed out correctly to newspaper correspondents that the only basis for representation against the Mexican government, on account of the incident, would be a claim that the government had not used proper precautions to prevent the kidnapping. Such a claim appears to have been made (although the correspondence has not been published by the State Department), and would under ordinary circumstances be expected to go through the usual diplomatic course.

The Mexican authorities instituted a judicial inquiry into the kidnapping, in order to bring the criminals to justice, and partly, no doubt, to run down charges that were current in Mexico that Mr. Jenkins was in collusion with the bandits who kidnapped him, and was trying to create a situation, which would rouse the United States to intervention. In the course if this judicial investigation Mr. Jenkins is alleged to have made contradictory statements under oath, which raised a strong suspicion of perjury. In accordance with Mexican penal law, Jenkins was arrested, and the local judge (who apparently corresponds to our committing magistrate), after hearing the testimony, concluded that there was sufficient evidence to warrant the charge, and committed the prisoner to trial. Both before and after this preliminary hearing, Jenkins was free to obtain his liberty on bail, which the judge fixed at the moderate sum of 1000 pesos; but Jenkins voluntarily remained in jail.

At this point the State Department sent an abrupt note to Mexico demanding the immediate liberation of Mr. Jenkins. The note was not made public in the United States, but the text, re-translated into English, was cabled back to the United States by the Mexican foreign office and made public by the Mexican consulate. It assigned no ground for the peremptory demand beyond the statement that the arrest "seems to my Government, according to the evidence before it, entirely unjustified and an arbitrary exercise of public authority." The Mexican government replied in a temperate and reasoned note, describing the judicial proceedings in which Jenkins had become involved, and resting on the principles of international and constitutional law its refusal to accede to the demand of the United States.

So the matter stood, prior to Mr. Lansing's note of December 1st. The position of the United States appeared, indeed, to be amazingly weak. As a matter of law, consular officers can claim no diplomatic immunity from arrest under local laws. They can be indicted, convicted and sentenced for criminal acts on precisely the same grounds as other residents. This is the universally accepted doctrine of international law, which has been recognized and appealed to by our own State Department in an unbroken line of diplomatic precedents. The only ground on which diplomatic intervention could be based would be a claim that there had been a complete denial of justice. The American note made no such claim. The Mexican note asserted that Mr. Jenkins had been accorded every privilege under Mexican law, and press dispatches indicate that he has received some (such as the privilege of setting up his own office and transacting his private business in jail), which are no doubt extra-legal. The usual processes of law seem to be taking their course, without a suggestion of arbitrary action.

To this note Secretary Lansing has made a reply, which for truculence, irrelevance and ill temper has surely never been equalled in our diplomatic history. It begins with a wilful misconstruction of the Mexican note. "The Mexican Government may contend," says Mr. Lansing, "that the imprisonment of the victim is necessary for the investigation by the judge . . . of the truth regarding his abduction and that a right of release on bail is a palliative for such wrongful imprisonment." The Mexican government never made or even suggested such a contention. It merely recited the fact that Jenkins was charged with perjury, and that his arrest and detention, with privilege of bail, was part of the usual and inflexible procedure of Mexican law.

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After reading into the Mexican note a statement, nowhere even hinted at, that the charges of collusion between Jenkins and his abductors "are not seriously regarded" by the Mexican government, Mr. Lansing continues:

> In whose interest then is the charge of false swearing brought against Jenkins? His abductors? He is in equity the complainant in the case of his abduction, not the defendant, as the Mexican Government now makes him out to be. The Mexican Government is prosecuting the victim instead of the perpetrators of the crime. While the outlaws, who endangered his life and took away a large part of his fortune, enjoy their freedom the Mexican authorities now deprive Jenkins of his liberty.

Such an argument might be expected from a street corner orator; what can it mean in a considered communication from one sovereign nation to another? Does it mean that as long as an American citizen is "in equity the complainant" against the Mexican government he is entitled to perjure himself with immunity in the Mexican courts? Does it mean that as long as the Mexican criminals are at liberty, American criminals are to be free from arrest?

After a few impertinent irrelevancies of this character the note takes up the legal contentions of the Mexican government. The gist of Mr. Lansing's argument appears to be that "It is for Mexico to show cause for his (Jenkins') detention, not for the United States to plead for his liberation." The allegation of perjury "must be taken—and my government directs special attention to this point—as merely an expression of opinion on the part of the Mexican government as it is entirely unsupported by evidence." None of the testimony is produced, and no extracts of testimony. "The Mexican Government cannot expect the United States to accept in the grave circumstances of this case such a bare unsupported statement as a valid excuse for the imprisonment of an American consular officer." On this absence of detailed evidence Mr. Lansing bases the most sweeping charges, against the Mexican government, of insincerity, duplicity, and subterfuge.

Surely this is an extraordinary doctrine. When an American citizen is charged with crime in a Mexican court and our State Department intervenes on the ground that there has been a denial of justice, is it not for the State Department to prove its case? There is nothing to indicate that the United States ever asked for the detailed evidence. Is the mere failure to volunteer extracts of testimony in every criminal case in which an American is involved, enough to justify a peremptory semi-ultimatum? The Mexican note stated that Mr. Jenkins was arrested under the penal laws, and that the committing magistrate after hearing the evidence found that the charges were sustained. Such being the case, clearly the burden of proof devolves on the United States to show that justice has been denied. Beyond the unsupported statement that the United States government believes the charges to be unfounded, there is not a circumstance alleged in the American note which even suggests that Jenkins has not received fair treatment and will not receive a fair trial. The Mexican government has not claimed that Jenkins was guilty. All it has claimed is that the evidence was suspicious enough to warrant a criminal trial.

Whether the charges against Mr. Jenkins are true, we have of course no present means of judging. The charge that the whole kidnapping affair was staged as an incident in the interventionist campaign is said by the Mexican Secretary of the Treasury, Luis Cabrera, in an interview cabled to the New York World on November 30th, to be fully sustained by the evidence; but the evidence itself is not yet forthcoming. The charge of perjury has not yet come to trial. But the truth or falsity of these charges is not the issue. The American state department has no right to constitute itself a court of appeals in all Mexican criminal cases in which American citizens are involved. All that we can ask is that Jenkins receive a fair trial, and that he be not deprived of any of the privileges, which Mexican law accords to citizens of Mexico or of other foreign countries.

What, then, is back of Mr. Lansing's belligerent notes to Mexico? That the State Department acted in ignorance of these elementary propositions of international law is not to be supposed. We can conceive of only three possible explanations.

It is possible that there are facts in the Jenkins case which have not yet been made public, and which justify diplomatic action on the part of our government. It is possible that the State Department, steeped in the traditions of secret diplomacy, is holding back facts which establish a denial of justice to an American citizen. The hypothesis, however, is hardly plausible. The published version of the American note alleged no such facts. The Mexican note denied that any existed. Mexican correspondents of the interventionist press have suggested none. It is conceivable that the State Department should suppress facts which weaken its case, but it is hard to believe that it has suppressed facts which strengthen it.

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The second alternative is unfortunately more plausible. Perhaps the Department acted on a colored and distorted version of the affair, and without knowledge of the facts alleged by the Mexican government, and having acted, did not have the candor to recede from its position. The press reports from Washington, picturing the Department as completely taken by surprise by the charge of perjury in the Mexican note, seem to bear out this hypothesis. If this is the true explanation Mr. Jenkins and the diplomatic officials who are responsible for misinforming the State Department should be at once relieved of their duties. If the Department sent a drastic and belligerent note to a friendly government demanding the release of an American citizen without inquiring why he was arrested or what crime he was charged with, and without securing a trustworthy statement of the facts, it has committed a disgraceful diplomatic blunder.

There is a third alternative, consistent with the known facts, which Americans will be loath to believe. It is that the State Department was familiar with the elementary principles of international law, that it was aware of the charges pending against Jenkins, but that it relied on the overbearing power of the United States to awe Mexico into submission. Such an attitude would place the American State Department on a plane with the Austrian foreign office in July, 1914. While Americans will hesitate long to believe that such a spirit could pervade our foreign relations, unfortunately this third hypothesis is precisely the one which suspicious and hostile elements in Central and South America will seize hold of. In unexceptionable diplomatic language, the Mexican note itself conveys such a suggestion when it protests that:

> The Mexican government cannot see what the foundations for such a demand might be. It believes that it can be only the power of the country that makes it, although the United States has expressed the desire on various occasions that right and justice should be the basis of its diplomacy and respect for weak countries the basis of its international relations on the continent.

To dispel this evil suspicion should not be difficult for Mr. Lansing. If there are hidden facts which make our position more tenable, he has only to publish them. If the State Department acted in ignorance of the facts, it is not too late to make public acknowledgment, place responsibility where it belongs, and withdraw his demand on the Mexican government. It is better to stand convicted of secret diplomacy, or even of disgraceful blundering, ignorance, and lack of candor, than to be suspected of being an international bully.

What You See in the Papers

NEVER before in a lifetime has the doctrine been so widely current, "You can't believe what you see in the papers." The art of propaganda has made most marvellous progress since 1914, but the instinct to disbelieve has become keener in even greater degree. That is no wonder. How often have we not been thrown into a silly panic by hair raising accounts of plots and conspiracies, which somehow evaporated later on their way from the newspapers to the courts? We are establishing the habit of reading or skipping, believing or disbelieving, according to our preconceptions and desires. That brings us no nearer the truth, but it keeps us from getting farther away from it.

We are not charging the newspapers with a universal purpose to mislead. Most editors are in much the same case as their readers. They are forced to take their news material out of the general stream, which flows turbidly for them as for the general public. They have the advantage of a technical training in the weighing of the kind of evidence which does not pass current in the courts. That training does not save even the keenest and most honest from being buncoed.

Any one who has followed carefully the New York daily press will agree that the editorial page of the World is hard to match, anywhere, for frankness, courage and intelligence. One may not always, or often, agree with the World's opinions; but it would be fatuous to withhold from them consideration and respect. The views of the World on a current issue reflect day by day a competent and honest judgment of the issue in the light of the information available at the time. They are as good an index as can easily be found of the quality and color of that information. Suppose, then, that we follow some one concrete issue in the World's editorial columns such as the coal strike.

On October 18th, when it first became clear that there was real danger of a strike, the World expressed the following opinion:

> This threatened action has not a leg of reason or fairness or justice to stand on. It follows upon a long course of wage advances to miners and shorter hours and improved conditions of work in general. It has no cause nor excuse except that the unionized miners prefer a six-hour to an eight-hour day, with still higher pay, and think that the great dependence of the country on this industry will enable them to get it or anything else they choose to demand. It is thus nothing less than another attempt to seize the whole nation by the throat and put it under forced tribute to another industrial class.

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And on October 20th the World stated that "the representatives of the soft coal operators declare they will not arbitrate while the strike order stands. The representative of the near 500,000 miners declares that the strike order can not and will not be cancelled until and unless all demands are granted."

Under its interpretation of the facts in its possession at that time, the World reached the definite conclusion that the miners, a well paid and underworked class, were ruthlessly bent on shaking down the consuming public for immense sums of unearned pay; that the operators were standing for the rights of the public; that the operators were willing to arbitrate everything while the workers held truculently to the position that either their full demands must be granted or they would strike. That, we believe, was the view prevalent also among the more enlightened and fair minded public. Yet, as later events showed, it was wrong in every point.

On October 24th, under the title "Watering Wages," the World asserted, "While the miners demand a five-day week and a six-hour day, it is plain that they have no intention of working only thirty hours a week. It would be impossible to supply the country's coal needs under any such restriction as that. What the miners have in mind is to broaden the overtime area." Wrong again. The miners knew, and we have since all come to know, that the country's coal needs are actually supplied by rather less than an average of thirty hours a week. On October 27th the World stated that "the miners are receiving the highest wages ever known and working fewer days in the year than men employed in most occupations;" "that the strike order is not so much a defiance of the mine-operators as a declaration of war upon all industry, all commerce and all government." That seemed a just, if harsh verdict on October 27th; now everybody knows that the "highest wages ever known" amounted to $900 for men lucky enough to get two hundred working days out of the year.

Of course, the World approved of the injunction and expected the strike to be broken. It was doomed to failure, because (October 29th) "No strike can hope to win any favor in public opinion which is squarely directed against the most vital interests of the whole people and which has no grievances just enough to invite or submit to public arbitration." On November 1st the World contrasted the behavior of the operators with that of the miners who had "obstinately rejected every offer of mediation and proclaimed their intention of freezing and starving the public into intervention in their behalf." White versus black, who could go astray?

But on November 4th the World got an inkling that there might be a bit of gray in the operators' white. "The suspicion that some influences in the coal trade were not distressed by the prospect of a strike at the mines is strengthened by a letter written to Attorney General Palmer by the President of the Wholesale Coal Trade Association of New York. In this epistle it is set forth "that there is plenty of coal on hand . . . . that fixing a maximum price by the government will curtail the operators' ability to meet the abnormal production costs." Perhaps it was reflection upon this manifestation of a thirst for profits that made the World admit, next day, that the presentation of demands by the miners simultaneously with a strike order, while irritating tactics, was "not necessarily to be accepted as arbitrary." In the present instance "the strike happens to be in violation of the law." But it is worth noting, the World now had become content to fall back on the bald fact that the strike was in violation of the Lever act, not necessarily in violation of the moral law, as it had appeared in October.

By November 12th the World had been decidedly shaken in its opinions as to the merits of the controversy. "If the assertions of the miners are supported by proof, they disclose industrial conditions in the mining of coal which neither this country nor any other can afford to tolerate. It is really a state of industrial anarchy, without system or order or stability, or any assurances whatever of a decent living."

And then came the letter of Mr. McAdoo, with its testimony to profits running up to 2000 per cent on capital stock. "Such testimony," declares the World, "cannot be ignored. If corroborated it must convict the mine owners not only of outrageous profiteering but of inhumanity. They have underpaid their labor and they have overcharged the public. Furthermore, they have put their labor in the wrong and they have appealed to a plundered public to make the odious cause of monopoly its own. There may be something meaner than that, but we do not know where to look for it."

Thus step by step the World has receded from its original position until it has practically completed the half circle. So also have tens of thousands of other Americans who like the World care more for truth than for a mean spirited consistency. The facts in the case are gradually filtering through, and they place a new color on it.

Those facts, however, were not recondite ones, knowable only to the expert few. The irregularity of employment in the mines, the meagre annual earnings, the case for negotiation, as proposed by

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the miners, as against arbitration, as proposed by the operators, and even the amazing prosperity of many of the mining companies, were known to a considerable number of men, from the outset. Have we no adequate organization for collecting and testing the facts upon which the general public may form a just conception of an issue affecting it so vitally as the coal strike? Apparently not, and so long as the purveyors of so-called news fail to create such an organization, journalism and all its works must inevitably sink deeper and deeper in the public estimation.

Italy and the Balkans

WHOEVER assumes that capitalistic interests control the modern state and that those interests are self-conscious and farsighted will find his ingenuity taxed to the uttermost in explaining Italian policy in the Balkans. Since the armistice Italy has been playing a hazardous game. She has played it up to the brink of revolution, and no cautious observer would care to stake his fortune or even his reputation on the prediction that she will not go over the brink. What for?

The main interest of Italy, from a capitalistic point of view, lay evidently in the development of industry. By no other means could the wealth of the middle classes attain to a level even with that of countries like France, Switzerland and Belgium. Nor was there any other means by which the drain of emigration of the most energetic types could be checked, or by which the crushing burden of taxation that followed Italian unity and modernization could be alleviated. The difficulties to be overcome in building up Italian industry were sufficiently serious. The lack of coal might be overcome partially by the utilization of hydro-electric installations; but Italy does not possess such cheap and abundant water power as Switzerland, for example, except in Lombardy. The shortage of metals and other raw materials could only be made good through import trade, and so far as such supplies had to be brought through the Straits of Gibraltar, Italy was at a serious disadvantage as compared with the Atlantic maritime states. Where Italy enjoyed a geographic advantage lay in her proximity to the Balkans, the Black Sea region and the Levant. But with the exception of Egypt, the whole of those tracts languished in a state of poverty and unproductiveness. The Tsar and the Sultan held economic life to primitive levels in the greater part of Italy's natural market; Austrian oppression and the restless military ambitions of the petty Balkan states spoiled the rest of it. The forests and the pastures of the Balkans amounted to nothing so far as Italian export and import interests were concerned. The Black Sea region gave wheat and wool and petroleum and absorbed modest quantities of manufactures, but the trade was a trifle as compared with the vast tonnage that would have plied the Straits if Russia and Rumania had been in an advanced economic condition. Turkey did indeed provide Italian industry with a considerable mass of materials, wool and hair, hides and skins, and absorbed so much of the products of Italian industry that the Italo-Turkish war produced a grave industrial depression in Lombardy. But here, too, the actual trade was a deep reproach to its potentialities. Italian industrial greatness had to await a new epoch.

That epoch was promised by victory in the great war, if it could have been sanely used. At the time of the signing of the armistice the deadening grip of the Sultan and the Tsar had been relaxed; whatever political disorders might rage for a time, Anatolia and the Russian shores of the Black Sea were sure in the end to take on a more active economic life than had ever prevailed since the Turks crossed the Bosporus. The collapse of Austria-Hungary gave an opportunity for satisfying the just aspirations of Serbia, Rumania and Bulgaria for national unity. It was in the power of the Versailles Conference to establish a settlement under which peace in the Balkans might have grown more secure year by year. That was where Italy's vital economic interests lay.

If Italian diplomacy had been the handmaid of Italian economic interest, it would have striven, first of all, to establish the conditions of a lasting peace. It would have sought, to be sure, to incorporate with Italy conquered territories of prevailingly Italian population, like the southern part of the Trentino and Trieste. But it would have made an even more vital point of the principle of minority rights in non-Italian territories, so that the Italian towns scattered through Slavic lands might multiply and increase in prosperity, as outposts of Italian trade. The diplomacy of Italy would have treated as the most vital point of all the abating of extreme nationalistic claims on the part of the victorious Balkan states, since such claims necessarily gnaw away the foundations of the peace. Italy should have sought to dissuade Rumania from disputing the claim of Jugoslavia to the Serbian districts of the Banat, and should have used whatever pressure she could apply to induce Rumania to undo the

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wrong of the Second Balkan war and restore the Bulgarian Dobrudja. She should have thrown her weight against the Serbian designs upon the Strumitza district and Greek designs against Bulgarian Thrace. Instead of that, Italian diplomacy worked in each instance against the conditions of a stable peace. Italy has backed Rumania against the just claims of Jugoslavia and Bulgaria. She has favored Jugoslav and Greek aggressions upon Bulgaria. She has failed to give to the principle of protecting national minorities the prestige that would have gone with her acceptance of it as applied to the Slavs of Istria. By her territorial claims in the Eastern Adriatic she has helped to make a peaceful adjustment of boundaries impossible; by her claims in Asia Minor she has done her best to foster anarchy in that quarter, where her interests urgently demand peace. If she has not actually participated in the anarchic Allied intervention in South Russia, she has not thrown her influence against it. In short, Italian diplomacy has worked against Italian economic interests at every point. Those interests have been sacrificed for the romantic dream of annexations.

Rich states, internally stable, may indulge themselves far in sentimental follies like that. Italy is neither rich nor stable. Therefore she has come to an impasse, with no certain way of retreat open to her. Shall she persist in her claims upon Fiume? If she does, she is likely to find a war on her hands, for the temper of the Jugoslavs is far from conciliatory. She would have an ally in Rumania, no doubt, since the Rumanians would like to take the whole of the Banat from Jugoslavia; she might win Bulgaria to her side, but this is something not to be counted on; Bulgaria and Jugoslavia hate each other less fervently than both hate Rumania; the Magyars would be found on the side of the Jugoslavs if the war dragged out, as it would, most likely. And what would be the effect upon the Italian masses of a confused, expensive, imperialistic war in the Balkans? There was much antiwar feeling in Italy before the armistice, and the Socialistic vote in the recent elections suggests that a new war would mean revolution.

Shall Italy withdraw her claim upon Fiume? That would give a frightful shock to the chauvinists and nationalists, without whose support no such middle class government as that of Nitti can remain in power. And in the process of experimenting with this possible coalition or that, it is by no means certain that the revolutionists will not find their opportunity.

The ideals which President Wilson brought with him to Paris were the scorn of the practical statesmen of Italy. They wrought to the best of their abilities toward the miscarriage of those ideals. Reflecting upon their present plight, do they yet perceive that President Wilson's ideals correspond with remarkable fidelity to the practical economic interests of every modern industrial state? Probably not. If revolution comes, it will come upon them astonished at their misfortune, incognizant of its relation as effect to their obsolete chauvinism as cause.

The Folly of Government by Injunction

ENOUGH time has elapsed since Attorney General Palmer sought and obtained his remarkable injunction against the coal strike leaders to throw the situation into a clear perspective. Three facts stand out prominently. The Attorney General, in petitioning for the injunction, violated solemn pledges made on behalf of the Administration when the Lever act was in Congress. The judge who granted the injunction heard the case with a closed mind, declining to hear the arguments of the miners' attorney, and behaving in an arbitrary and partisan manner which is not creditable to the American spirit of judicial fair play. And the injunction itself has failed completely in achieving its object. The strike leaders, it is true, obeyed the order of the court, although their attorney must have advised them that there was a fair probability that an injunction so plainly at war with elementary principles of equity jurisprudence would be declared totally void on appeal. But the order of the strike leaders, issued under coercion of the court, calling off the strike, has been almost universally disobeyed, and as we go to press, more than a month later, the strike is still in full effect.

The Democratic campaign literature of 1916 contained much eloquent denunciation of "government by injunction" in labor disputes, but the party orators could not find a more effective demonstration of their thesis than in the experience of their own Administration in 1919. The strongest argument against government by injunction, the practical one, is proved to the hilt. The average judge is not qualified to understand the issues of a labor controversy, and the legal form in which the controversy comes before the court makes it impossible for even a competent judge to deal with it in a statesmanlike manner. Under our law, it is not the business of a judge to go to the heart of a labor

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controversy and render a just decision. The legal controversy almost always turns on some technical issue somewhere in the outskirts of the economic controversy. The judge must delve into the precedents to discover whether there has been a technical restraint of commerce, whether a boycott is primary or secondary, whether the workers have been "coerced" or "persuaded." The law reports are full of arid disquisitions on such topics, necessary, perhaps, in a system of case law, but many miles away from the real merits of a labor controversy.

Even if Judge Anderson had heard the coal injunction case with a firm desire to do impartial justice to each side, he could not have gone into the merits of the miners' grievances. The Government claimed a contract right to compel the miners to work under the agreed wage scale until the last technical semblance of war had passed. It claimed a right under a strained and tortuous construction of the Lever act to prevent a strike, however just the grievances of the strikers. On these technical rights the decision rested; the justice or injustice of the miners' demands was necessarily ruled out as irrelevant. Thus the whole force of the Government came to be exercised to defeat a strike into the real merits of which neither the Attorney General nor the court had inquired.

The weaknesss of a decision in a labor controversy which rests exclusively on technical grounds is obvious. However vociferous we may be about the supremacy of the law and the sanctity of judicial decisions, we must acknowledge that it is impossible, short of civil war, to enforce a court mandate against 400,000 organized and determined workers, if they are left with a strong and well-grounded conviction that the real issues in the controversy have not been considered, and that on those issues they are in the right and the Government and the employers are in the wrong. They cannot grasp the legal points on which the court's order rests. They see only the fundamental justice of their cause, and the technical paraphernalia of the law seems to them a device of their enemies to obscure the real issues.

Yet, even if the substantive law were changed, and special tribunals were set up, empowered to investigate and judicially determine the real issues of a labor dispute, and to issue injunctions and mandatory orders to enforce their findings, the objections to a policy of government by injunction would not be obviated. A dispute over wages or hours of labor very seldom raises a justiciable question. It calls for conference and negotiation, for patient, tactful mediation. Pre-conceived notions based on precedents or on juristic formulas are the rocks on which labor negotiations are wrecked.

It may some day be necessary to exercise the full force of the state in suppressing a strike. To be successful, such an exercise of force must take place under very different conditions from those which prevailed when the Government obtained its injunction in the coal strike. Instead of a proclaimed and vaunted indifference, there must be an impartial, painstaking and sympathetic inquiry into the real economic merits of the controversy. Instead of a decision on technical and highly dubious grounds, there must be a judgment which appeals unmistakably to the sense of justice of the public. The government which enforces the decision must be supremely fair and impartial, instead of revealing itself as a not too scrupulous ally of the employers. And the workingmen themselves, against whom force is to be exercised, must have a stake in the government of the country and the good will of the public arising out of a real democratic partnership in the ownership and control of their industry. Under such conditions it might be possible, although one may hope that it would never become necessary, for the state to coerce a recalcitrant minority on whose labor the life of the people depended.

From such a condition the present organization of the coal industry in the United States is still far distant. Until the industry has been fundamentally democratized, until adequate and scientific machinery for investigation and mediation has been established, and until the Government has expiated its breach of faith toward organized labor, it will be the part of wisdom to refrain from coercive measures against the miners.

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The Half Americans

THE Half-Americans say they fear Bolshevism. By word and by act they prove they fear too much Americanism.

They fear the individual American. They wish to revise him. They labor zealously to revise him. Through certain numerous newspapers and magazines and school-systems and lecture-courses and Americanization committees and pamphlets and leaflets and placards and statesmen, they spread the news that we Americans are distinctively and peculiarly characterized by a remarkable reverence for the strict abstract literal legal and constitutional rights of every citizen and of every citizen's every dollar. They have courage.

Yesterday, as leaders of patriotic societies, in a country three thousand miles from invasion and the battle-front, they ardently promoted the wholly illegal and unconstitutional dictatorship which we of the war party, throughout the war with Germany, exercised day by day over our fellow-citizens of the peace party, through volunteer committees, wherever necessary, coercing their opinions into conformity with public needs and coercing their pocket-books into participation in public loans and generally and distinctively and peculiarly exceeding all other belligerents in the enforcement of civic righteousness by private violence. Day before yesterday, as leaders of reform societies, in the great and admirable campaign for Good Government in America and for the suppression among us of feuds of gun-men in our cities and of feuds of farmers in our mountains and of southern and northern lynching parties, they made our printing-presses groan and shriek with a whole literature on the "lawlessness" of us Americans and on the contrasting sweet orderliness and peacableness of the virtuous popuations of Europe, as proved by statistics. And to-day, as yesterday, and as day before yesterday, they continuously and fertilely produce from among themselves the revolutionary American who is dissatisfied with the amount of suppressing of undesirable citizens accomplished in his neighborhood by the local elected representatives of the people and who thereupon proceeds to organize a compact little effective government of his own, out of the better class of citizens inhabiting the better class of houses and belonging to the local Chamber of Commerce, a government which does not call itself a "Council of People's Commissaires," but which equally boldly calls itself a "Citizens' Committee," and which hangs other citizens and shoots them and deports them until the ideas of the agitators of the proletariat have been driven so far underground or so far out into the desert that class-less democratic elected government can again be safely restored.

Their record is thick upon them. They have declared American "lawlessness" and they have practiced it. In community after community they have repudiated the slow evolutionary processes of democracy (so dear to them in Russia) and have given us instance after instance of the dictatorship of the bourgeoisie. They have labored violently to bring it about that this country, in respect of its wronged mining corporations no less than in respect of its wronged husbands, should be notorious throughout the world not as the country distinctively and peculiarly of law, but as the Mount Sinai of the higher law. They have known—and they have acted on the knowledge—that with us the abstract rights of the outrageous are distinctively and peculiarly thin and brittle before the violent righteousness of the outraged. They are among our most experienced experts in antique emergency Americanism, they know Americanism in their bones, and now it sends a chill to their marrow. Now, for themselves and for their dollars, they welch from it. Now they seek to persuade us, and spend millions of money to persuade us, that "due process of law" is what we Americans live to illustrate and that our engrossing civic occupation from the age of twenty-one to death is the refining and exemplifying of the great theory that certain rights—rights of personality and rights of possession—inhere in man as man and presumptively deserve complete protection from all invasion by society, whether by mobs or by statutes.

I believe in that theory. I can prove I believe in it. I have defended it on behalf of persons hateful to me and to whom I was hateful. These gentlemen do not believe in it. They do not propose for one minute to apply it to any group of persons they dislike. They do not propose to lift one finger to avenge the agitators tortured by mobs or to rescue the agitators jailed by statutes as violative of natural law as any mob could ever be. They do not propose to whisper one word to maintain the right of assemblage or any other right—not even the right of life—for strikers attacked by the public or private policemen of violent and lawless investors. They do not propose to go shares on rights. They propose simply to escape going shares

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on lawlessness. Their new philosophy is not a philosophy. It is simply a yellow streak. Summoned in their turn to approach the Cerberus of American political opinion and action they crawl up to him, and they pat him, and they quaver out, for themselves: "Nice dog! Nice dog! So different from those wild European dogs!"

He is indeed different. They do not fear Bolshevism from him. When they say Bolshevism they do not mean Bolshevism. Bolshevism is a forcible taking of national power, and a forcible holding of it by persons acting for the communist part of the proletarian part of the people, and a forcible using of it for the rapid or instant extinction of all private capital in all industrial production and exchange. That programme has a native impulse and a national urgency in Russia. It has a rapt vision here. Some few thousands of persons among us would die for it. Millions would die to prevent the very first phase of it; and our false alarmists know fully why.

Besides knowing Americanism's "lawlessness," they know Americanism's opposite quality. They know the two poles between which our national temperament revolves. The negative pole is our readiness to take equity into our own private hands. The positive pole is our submissiveness to the revealed will of the majority. If by a scant margin the nation is for peace, peace in itself seems our national passion, and we profoundly say, "*The People* are for it." If by a scant margin the nation is for war, war becomes our ancestral estate, and pacifists are excommunicated from Americanism. Americanism, in such matters, is made and re-made by the majority from year to year and sometimes almost from month to month. In our temperament the negative pole is out-swung by the positive. The truculence of the individual is met and mastered by the truculence of the majority of individuals. Our very violences, of the political and industrial sort, are most of them violences in the mood of the majority for the purpose of enforcing that mood without impediment from the abstract rights of the minority in court. This nation is a mass-nation; and its love of mass, its confidence in the majority, its sense of fellowship in the common sense of most, its perception of the necessity of controlling its anarchic drifts by levees of unyielding common direction, has given us in the end one certain dogma of our national political faith—the dogma which guards the Capitol impregnably, intolerantly, pitilessly.

We did not need to be reminded of that dogma by the gentlemen now so busy painting our portrait. We did not get it from them. We did not get it from lecture-courses. We got it from considerable battles. We got it from many bodies of Tories and Continentals, Federals and Confederates. Two civil wars, and eleven years of our short national life, were its cost and the guarantee of its enlarging definition. "Lawlessness" may raise its head against many things among us. It does not raise its head against the literalistic mystery of the Union—this Union once of all these states, and now of all the souls within all these states—to be governed only as a whole and only by those to whom the power has been communicated by a certain count on certain Tuesdays after certain Mondays in the certain month of November. Persons who propose to go to the Capitol, or to escape from the Capitol, without that count, or in defiance of that count, may call themselves by what imported name they please. Here, from the very first moment when they even hint at any such proposal, there is only one name for them. In their graves we may recognize their virtue and their valor. We amply recognize, we recognize without reserve, the virtue and the valor of those rebels to the count of 1860 who came to the banks of the Potomac and in the coming shadow of the shaft now reared above them "dared all, sacrificed all, suffered all, and died." In arms we could not compromise with them. In arms, or in the thought of arms, after a true count, we could not compromise with any rebels if any there should be, to-morrow. This nation, by the terms of its history, by its temperament set by its experience, either proves that the national power to settle the national issues of to-morrow can be gained by the method of count—a true and an informed and an uncoerced count—or it breaks to a chaos beyond the Russian. The Russians know another method. We do not. We know we do not. When we even think of another method, the horror of the consequences of it—in this land of individuals quick at force and scornful of assumed authority and tameable only by their reverence for the count—is overwhelming to us. We act accordingly. We may defy many Americanisms. I cordially defy Decatur's. If my country should be in a war which I was obliged to think wrong, I should hope to have the strength to say so and to vote so. But if my country should continue in that war, and if it should continue in other policies I thought wrong, and if it should violate any principle of social and industrial right, as I understand right, and if it should jail me for so understanding, and if I should see men gathering to achieve by force the right we had failed to achieve by persuasion, I should still say:

"In the American Republic, as in the Republic of Athens, certainly the citizens may say to the Republic, as Socrates, defending himself, did say: 'You are

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wrong.' But in this Republic, as in that, the citizen may not by force resist even the cup of hemlock which Socrates, drinking, refused to resist or to evade. In this nation-state, as in that city-state, there must be a totality or there will be nothing. Granted access to the truth, and granted access to the count, we progress by persuasion or not at all. Our nature makes it; and it is not the victory of the North over the South, it is the victory of all of us over all of us, that speaks night and day from the stone of Sherman's statue across to Lincoln's White House and is echoed, as our despairers of the Republic know it is echoed, from both banks of every new Potomac: 'On no earthly account will I do any act or think any thought hostile to or in defiance of the old Government of the United States!' "

Our despairers do not despair of the Republic. They know that as long as it remains in truth the Republic, as long as it remains in truth the "*old* Government of the United States," it is secure as no other government anywhere is secure. They do not despair of it. They despair only of their control of it. They fear that the American majority, besides being against Bolshevism, is also against them. They prove that they fear. They are spending their time building funk-holes against the majority. What is this sudden frenzied excavation of old "rights" and invention of new "rights" and palpitating popularization of "rights" and "rights" and "rights" in our nice non-Bolshevik minds? Why this expensive asserting to immigrants that if they will look sharp they will perceive that this is a land of "rights?" Why this megaphonic confiding to us natives that we have always lived, and ought to know it, in a land of "rights"? "Rights" have not ceased to be what always they were and are and will be. "Rights" are the shields of the minority against the majority. These gentlemen—before the event—in their very highest hour of power—see themselves—in their hearts—in their consciences—needing shields against the majority of their fellow-citizens.

So they proceed to declare our sensitive sense of "rights" and, in practice, to cultivate it. They proceed to cultivate it in domestic affairs and in foreign affairs. In both sorts of affairs their most conspicuous contribution to our sensitiveness is a deliberate callousing of our elementary sense of primary constitutionality.

All over the United States they promote cunning statutes to staunch the speech of those who speak against them. The free-speech clause of the constitution happens to be written in common language. The common man can be persuaded that certain numerous agitators are wicked. He cannot be persuaded that certain numerous agitators have been imprisoned in harmony with the common meaning of the common language of the free-speech clause. He violates their "rights" because he thinks that in their agitation they were wicked. But when he comes to think that certain reactionary agitators are wicked and when he comes to think that certain private possessions now respectable are as wicked as lotteries or distilleries, he will be swerved from righteous ruthlessness — these gentlemen hope — by the "rights" which the Constitution confers on property in language often so uncommon and with a meaning often so strained that not even the strainers can explain it to themselves. The virtues of these gentlemen are fear, fury and hope.

In foreign policy they again teach us to be lawful in their favor in the future by teaching us to be unlawful in their favor now. In the last three years a Congressional majority amiable toward imperialism has connived at three foreign wars waged by the United States—two for ourselves in our own sphere of influence and one for others in the spheres of influence of Japan and of Britain—without any slightest Congressional authorization. Three times in three years has Congress connived at its own blackest constitutional dishonor and at the blackest wrong possible to the constitutional "rights" of the people it represents. Then will the gentlemen who are most adventurously saving this anti-Bolshevik nation from Bolshevism and who write sonnets to the Constitution's very eye-brows, stand in line; and will ten of them—will three of them—step forward and prove that they have ever written even one line of open protest against the Caribbean and Russian wars which pierce the Constitution to its vitals.

These gentlemen could, if they would, join with all Americans of good will to cultivate in Americanism its streak of restraint. They have chosen to cultivate in it, its streak of recklessness. They know that the same temperament which can strip and whip one agitator can strip and whip another, of the opposite sort. They know that the same temperament which can use troops unlawfully in favor of predatory imperialists can use troops unlawfully against them. They know this temperament, and they fear it, and they feed it. They feed Cerberus raw meat and hope that when they lie between his paws he will turn out to be a vegetarian.

Their fate is for themselves; but they are enveloping their fate with woes of their making for their country. No group of aliens can bring us to embrace the philosophies of the countries from which they come. These gentlemen, Americans, can strengthen in us the most dangerous impulses of our own philosophy. They can, and they do. And then they hope, though vainly, to escape from the

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impact of those impulses. They hope to declare a sort of citizenship of their own under certain clauses of the Constitution and under certain tenets of Americanism while other clauses and other tenets shall have been by them dishonored and destroyed. They have a divided loyalty baser than that of any group of aliens. They are half-Americans, hyphenated from us by a loyalty not to some other loved land but to themselves.

WILLIAM HARD.

Order and Authority

II.

FOR the last sixty years and more one of the rare pleasures of political philosophers has been to expatiate on "le droit administratif", on the extraordinary powers enjoyed by government in France whatever that government may be; and another pleasure, which few have denied themselves, is that of drawing the not very obscure inference that France is democratic rather than liberal and that the French genius has no patience with extreme individualism. If its effects were confined wholly to politics to criticize this national characteristic would be no part of my business, but as it has profoundly influenced French art as well as French life and thought the reader, I trust, will not be unbearably vexed by an essay which has little immediately to do with the subject on which I am paid to write. "What is the cause of French conventionality?" "What are its consequences?" These are questions to which the student of French art cannot well be indifferent; and these are the questions that I shall attempt to answer.

The cause, I suspect, is to be found in the defect of a virtue. If it takes two to make a quarrel it takes as many to make a bargain; and if even the best Frenchmen are willing to make terms with society that must be because society has something to offer them worth accepting. All conventions are limitations on thought, feeling and action; and, as such, are the enemies of originality and character, hateful, therefore, to men richly endowed with either. French conventions, however, have a specious air of liberality, and France offers to him who will be bound by them partnership in the most perfect of modern civilizations—a civilization, be it noted, of which her conventions are themselves an expression. The bribe is tempting. Also, the pill itself is pleasantly coated. Feel thus, think thus, act thus, says the French tradition, not for moral, still less for utilitarian, reasons, but for aesthetic. Stick to the rules, not because they are right or profitable, but because they are seemly—nay, beautiful. We are not telling you to be respectable, we are inviting you not to be a lout. We are offering you, free of charge, a trade-mark that carries credit all the world over. "How French he (or she) is!" Many a foreigner would pay handsomely to have as much said of him.

Any English boy born with fine sensibility, a peculiar feeling for art, or an absolutely first-rate intelligence finds himself from the outset at loggerheads with the world in which he is to live. For him there can be no question of accepting those conventions which express what is meanest in an unsympathetic society. To begin with, he will not go to church or chapel on Sundays: it might be different were it a question of going to Mass. The hearty conventions of family life which make impossible almost relations at all intimate or subtle arouse in him nothing but a longing for escape. He will be reared, probably, in an atmosphere where all thought that leads to no practical end is despised, or gets, at most, a perfunctory compliment when some great man, who in the teeth of opposition has won to a European reputation, is duly rewarded with a title or an obituary column in The Times. As for artists, they, unless they happen to have achieved commercial success or canonization in some public gallery, are pretty sure to be family jokes. Thus, all his finer feelings will be constantly outraged: and he will live, a truculent, shame-faced misfit, with John Bull under his nose and Punch round the corner, till, at some public school, a course of compulsory games and the Arnold tradition either breaks his spirit or makes him a rebel for life.

In violent opposition to most of what surrounds him any greatly gifted, and tough, English youth is likely to become more and more aware of himself and his own isolation. While his French compeer is having rough corners gently obliterated by contact with a well oiled whetstone and is growing daily more conscious of solidarity with his partners in a peculiar and gracious civilization, the English lad grows steadily more individualistic. Daily he becomes more eccentric, more adventurous and more of a "character". Very easily will he snap all conventional cables and, learning to rely entirely on himself, trust only to his own sense of what is good and true and beautiful. This personal sense is all that he has to follow; and in following it he will meet with no conventional obstacle that he need hesitate for one moment to demolish. English civilization is so smug and hypocritical, so grossly philistine, and at bottom so brutal, that every first-rate Englishman necessarily becomes an outlaw. He grows by kicking; and his personality flourishes,

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little hampered by sympathetic, clinging conventions nor much—and this is important too—by the inquisitorial tyranny of government. For, at any rate until the beginning of the war, an Englishman who dared to defy the conventions had less than a Frenchman to fear from the laws.

I have already suggested that the consequences of this difference between French and English civilization may be studied in the history of their literature and thought. For the abject poverty of English visual art I have attempted to give reasons elsewhere: here I have not space to say more than that it is rarely good for an artist to be a protestant, and that a protestant is just what the English attitude to painting generally forces a genuine artist to be. But consider the literature of the French renaissance: Rabelais is the one vast figure. Ronsard and his friends are charming, elegant and erudite; but not of the stupendous. What is even more to the point, already with the pléiade we have a school—a school with its laws and conventions, its "thus far and no further". Nothing is more notorious than the gorgeous individualism and personality of those flamboyant monsters whom we call the Elizabethans, unless it be the absence of that quality in the great French writers of the next age. Had Pascal been as bold as Newton he might have been as big. No one will deny that Descartes was a finer intelligence than Hobbes or that his meticulous respect for French susceptibilities gave an altogether improbable turn to his speculations. In the eighteenth century it was the English who did the discovering and the French who, on these discoveries being declared *admissibles,* brought them to perfection. Even in the nineteenth, the revolution notwithstanding, French genius, except in painting, asserted itself less vividly and variously than the Russian or English, and less emphatically than the German.

In recording the consequences of this French taste for authority we have had to register profit and loss. It is true that the picture presented by French history offers comparatively few colossal achievements or stupendous characters. With the latter, indeed, it is particularly ill-supplied. Whereas most of the great and many of the secondary English writers, thinkers and artists have been great "characters", the slightly monotonous good sense and refinement of French literary and artistic life is broken only by a few such massive or surprising figures as those of Rabelais, Lafontaine, Poussin, Rousseau, Flaubert, Cézanne—a formidable list but a short one, to which, however, a few names could be added. On the other hand, what France has lost in color she has gained in fertility; and in a universal Honors' List for intellectual and artistic prowess the number of French names would be out of all proportion to the size and wealth of the country. Furthermore, it is this traditional basis that has kept French culture up to a certain level of excellence. France has never been without standards. Therefore it has been to France that the rest of Europe has always looked for some measure of fine thinking, delicate feeling, and general amenity. Without her conventionality it may be doubted whether France could have remained so long the center of civilization.

One commonly deplored consequence of French conventionality is that it makes Frenchmen incapable of well understanding or appreciating anything foreign, or of judging acutely between foreigners and themselves. But is even this a serious misfortune? French critics can discriminate between French productions with unsurpassable delicacy and precision. As for the spring of French inspiration, it is so copious that the creative genius of that favored race seems to need nothing more from outside than an occasional new point of departure, to the grasping of which its imperfect knowledge and unprehensile taste are adequate. Indeed the rare endeavors of Frenchmen seriously to cultivate alien methods and points of view more often than not end in disaster. Shortly before the war a school of particularly intelligent and open-minded writers discovered, what we in England are only too familiar with, the aesthetic possibilities of charity and the beauty of being good. Setting themselves, as well as they could, to study Wordsworth and Walt Whitman—in translations bien entendu—they were soon floundering in a terrible morass of sentimentality. An excellent poet and a promising novelist, Vildrac and Pierre Hamp, were amongst the first to fall in. A Wordsworth can moralize, a Sterne can pipe his eye, with impunity; but late eighteenth and early twentieth century literature prove how dangerous it is for a French author to trespass in pursuit of motives beyond the limits of his tradition.

The reason why Frenchmen are incompetent to judge or appreciate what is not French is that they apply to all things the French measure. They have no universal standards, and, what is worse, they take for such their own conventions. To read a French critic on Shakespeare or Ibsen or Dostoevsky or Goethe is generally a humiliating experience for one who loves France. As often as not you will find that he is depending on a translation. It seems never to strike him that there is something ludicrous in appraising nicely the qualities of a work written in a language one cannot understand. Rather it seems to him ludicrous that books should be written in any

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language but his own; and, until they are translated, for him they do not exist. Many years ago, at Cambridge, I remember having a sharpish altercation with Rupert Brooke who had taken it upon himself to denigrate the art of Racine. Before long it came out that he had read the plays only in a translation; for at that time—he was in his second year I think—he had little or no French. Everyone laughed and the argument collapsed. Set the scene in Paris, imagine a detractor of Shakespeare or Goethe being convicted of similar ignorance, and ask yourself whether one Frenchman of the party would have felt that by such an admission the critic was put out of court.

It cannot be denied, I fear, that the conventional habits of the French mind lead easily to ignorance and self-satisfaction. To be frank, the complacent aberrations of French taste, with its passion for Poe and its pathetic confidence in Kipling, have become a standing joke abroad. There is no great reason why the French should know anything of foreign thought and literature; but there is every reason why, knowing nothing, they should refrain from criticism. And how many Frenchmen do know anything? When I reflect that hardly one can quote a line of English without committing or, at any rate, permitting the grossest and most nonsensical blunders, I am inclined to suspect that the answer is, very few. And I suppose it is this combination of ignorance with an incapacity for handling criteria of universal validity which gives to the nation that is assuredly the center of civilization its paradoxical air of provinciality. A Frenchman discoursing on foreign peoples or on mankind in general—a favorite topic—suggests to me sometimes the fantastic vision of a dog-fancier criticizing a steer. Grant his premises,—that whatever he admires in the one must be essential to the other—and nothing could be more just and luminous than his remarks. Undeniably the creature is a bit thick in the girth and, what is worse, bull-necked. Only, as the points of an ox are different from those of a poodle, the criticism is something beside the mark: and there is not much more virtue in the objection to Shakespeare's later tragedies that they are not written in rhymed verse. Blank verse, however, is not in the great tradition; and the French critic, with one eye fixed submissively on authority, doubts whether he would be justified in admiring it unreservedly. Such are the inevitable consequences of conventionality: and French conventionality is, in its turn, the inevitable consequence of a civilization so gracious and attractive that even the most lawless of its children cannot bear to appear disloyal.

CLIVE BELL.

What is Left of Free Speech

ON November 10th, the Supreme Court sustained the conviction of three Russian anarchists and a Russian Socialist, supporters of the Soviet regime, for publishing two circulars attacking the President for his Russian policy, and advocating a general strike to prevent intervention in Russia. Three of them had been sentenced to prison for twenty years, and one, a woman, for fifteen years.

In this decision more important issues were at stake than the liberty and, perhaps, the life of four misguided and fanatical aliens. "I regret," said Mr. Justice Holmes in his dissenting opinion, "that I cannot put into more impressive words my belief that in their conviction upon this indictment the defendants were deprived of their rights under the Constitution of the United States." The injustice which they suffered may be corrected by executive clemency when saner times have arrived, but the constitutional precedent which the Supreme Court has set cannot be so easily wiped out. It is important to examine critically the limits and implications of the majority opinion of the court, and to inquire how seriously it has encroached upon those traditions of liberty of opinion, of speech and publication which Americans in the past have cherished so dearly.

The inquiry is not a simple one. Free speech, as a principle to be applied in the courts, is not an absolute, self-defining concept, to be accepted or rejected without qualification. The First Amendment, "Congress shall make no law . . . abridging the freedom of speech, or of the press," expresses no more than a warm emotional bias toward the free expression of opinion, which should infect the minds of Congress and of the Courts when they approach the task of defining the permissible limits of speech and publication. It does not contain the precise measurements and angles of the complicated juristic plan which maps out the boundaries at which freedom of speech ends and crime begins.

It is easy to catalogue cases which are clearly within or clearly without the limits of free speech. A man shouts "fire" in a crowded theatre, or he tells a mob to lynch a prisoner in the county jail, or exhorts a company of soldiers to disobey their officers. Of course the law can reach him, despite the First Amendment. Another man writes a letter to his morning paper, pointing out that the fire-escapes in the theatre are defective, and the theatre a tinderbox, or he makes a speech attacking the state officials for failing to bring the criminal to speedy justice, or, perhaps, he publicly ad-

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vocates abolishing the salute as a military institution. It is just as clear that the Constitution protects him, though the indirect effect may be to make the next evening's theatre crowd panicky, to spread the lynching fever among the mob, or to promote dissaffection among the soldiers. But the lines which mark off these two groups of illustrations are still far apart.

In mapping out the large debatable area between the two lines, a juristic principle has been developed which somewhat narrows the field of uncertainty. To be punishable under the Constitution, spoken or written words must fulfill two requirements: they must accomplish or come near to accomplishing some result which the law may legitimately guard against, and there must have been an intent, on the part of the man who uttered or published them, to accomplish the result. Into the refinements which have been made as to the relation between these two requirements, the purposes of this article do not make it necessary to enter. It is said, for instance, that if the intent is fixed upon some object which it is of superlative importance to prevent, such as the success of the nation's enemies in war, speech which only remotely tends toward such a result is punishable; and conversely if the speech itself has a direct and immediate tendency to effect some result which the state can prohibit, the intent may be dispensed with. An avowed enemy propagandist during war, for instance, could be punished even if his propaganda was absurd and ineffectual. One who published sailing dates of troop transports could be punished even if his intent was innocent. Excepting extreme cases of this character, however, it is generally true that unless both requirements are present, the nearness to the dangerous result, and the intent to bring it about, the language is protected under the Constitution.

This general principle, however, leaves two important questions open, and it is around these questions that recent legal controversy as to freedom of speech and press has revolved.

One is a question of degree: how near must the spoken or written words come to producing the dangerous result, before they became punishable? The other is a question of interpretation. What does the word "intend" mean? Does it imply that the words were motivated by a desire to bring about the prohibited result? Such, perhaps, would be the layman's interpretation of the phrase. Or is it enough that the words were spoken or written for other and permissible purposes, but under conditions which made it likely that the prohibited result would come as a necessary by-product? Upon these two questions liberal and reactionary opinion has divided. Those who have felt more strongly the impulse toward liberty of speech and press, which inspired the First Amendment, have contended that only speech or writing which comes dangerously near to accomplishing the prohibited result can be punished. Those who have feared more acutely the subversive effects of unorthodox opinion have urged the suppression of words which could have only a remote tendency toward producing the evil. Those, again, who have championed the principle that the social good which comes from free expression of honest opinion overrides the incidental harm which may come as a by-product, have maintained that only a specific and purposeful intent to bring about the prohibited result will render spoken or written words punishable. Those who were dominated by fear for the safety of established institutions have been satisfied with the wholly technical and somewhat fictitious "intent" comprised in a knowledge that the prohibited result may perhaps be promoted.

This bare summary of the legal form which the free speech controversy has assumed, is necessary if we are to understand what was decided by the Supreme Court in the Abrams case; for the two issues which I have defined were directly involved and directly decided by the court.

The defendants were tried under an indictment containing four counts. The first charged the violation of the clause in the Espionage law condemning "disloyal, scurrilous and abusive language about the form of government of the United States," and the second violation of the clause forbidding language "intended to bring the form of government of the United States into contempt, scorn, contumely and disrepute." The Supreme Court did not expressly sustain the conviction under these two counts. It rejected without argument the contention of the lawyers for the defense that "the acts charged against the defendants," (presumably including the acts charged in the first and second counts) were protected by the First Amendment, asserting that the claim was "definitely negatived" in the Schenk and Baer cases and the Frohwerk case, decided last March. In neither of these cases, however, were the clauses in question involved. The Schenk and Baer cases and the Frohwerk case involved conspiracies to oppose the draft, and were brought under the Espionage act of 1917, before the clauses involved in counts one and two of the Abrams indictment had been added to the law. The Debs case (which the court did not cite) was brought under the law as amended in 1918, but the only counts before the court were based on obstruction to recruiting, and causing insubordination

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among troops. The conclusion seems warranted that the constitutionality of the clauses covering abusive language and language bringing the government into "contempt, scorn," etc., is still an open question.

But there are suggestions in the Abrams case which not only imply that the clauses are constitutional, but give them a very wide construction. The court quotes abusive language published by the defendants, attacking the President (in language so intemperate that it might have been taken from the New York Tribune's attacks on President Lincoln during the Civil War) and referring to the United States as a capitalistic nation." Later the court says that "A technical distinction may, perhaps, be taken between disloyal and abusive language applied to the *form* of our government or language intended to bring the *form* of our government into contempt and disrepute, and language of like character and intended to produce like results directed against the President and Congress." The court did not pass upon this "technical" question, since the decision was ultimately rested upon the third and fourth counts, but the language clearly implies that if the abusive and ill-mannered epithets had been directed against the form of our government, instead of against its personnel, they could constitutionally have been punished.

It is difficult to find any sensible theory of freedom of utterance which would justify this intimation. The government can by law protect itself against violent overthrow or forcible aggression. It can prevent speech which comes dangerously near to bringing about a forcible attack on the government. It cannot prevent speech which can at most awaken in the listeners a feeling of contempt and scorn for the government. The only way government can lawfully protect its own reputation is to govern honorably and wisely. The court quotes some general language, such as "Workers of the World, Awake! Rise! Put down your enemy and mine," and concludes that "This is clearly an appeal to the 'workers' of this country to arise and put down by force the Government of the United States, which they characterize as their 'hypocritical,' 'cowardly,' and 'capitalistic' enemy." In a vague and remote sense, the desire forcibly to overthrow the government may have been present in the mind of the writer of this language. But to hold that general appeals of this sort, circulated in New York City by four unknown Russians, could come within measurable distance of success in provoking forcible attacks on the American form of government is literally fantastic. The suggestion that such language could be punishable ranges the Supreme Court on the extreme right of the reactionary view as to the necessary proximity between the spoken or written word and the prohibited result. And to sustain the clauses in the Espionage law literally, we would have to go back to the infamous common law of sedition, to get rid of which was one of the objects of the American revolution and the main purpose of the First amendment.

The third count in the Abrams case charged language intended to provoke resistance to the United States in the war, and the fourth, language urging curtailment of production of munitions with intent to hinder the United States in the prosecution of the war. The evidence was clear that the purpose of the defendants—the desire which motivated their action—was to prevent military intervention in Russia. Both of the pamphlets so stated, and one of them expressly attacked German militarism. There was not the remotest evidence of pro-Germanism. The court found, however, that the "obvious effect" of the appeal, "if it should become effective," would be to hamper the war against Germany, and that "men must be held to have intended . . . the effects which their acts are likely to produce." Here also the court takes the reactionary side in the free speech controversy, by interpreting "intent" not in the usual sense, of purpose, or expectation and desire, but in the technical and unusual sense of knowledge that the consequences may follow. Indeed the court's language leaves it doubtful whether even knowledge is necessary. Perhaps it is enough that the consequences "are likely," even if the defendants had no thought of them!

On the two principle issues in the modern legal controversy over free speech, the Supreme Court has, therefore, definitely cast its weight on the reactionary side, on the side which fears the free interchange of opinion, and relies on force rather than reason to preserve the authority of the state and the stability of our institutions.

It is, perhaps, too early to gauge the ultimate effect of the Abrams decision on the course of American jurisprudence. Two immediate effects can be clearly discerned. The court has succeeded in making out of four unbalanced and incoherent Russians four martyrs in the cause of true Americanism. And it has shifted to Congress the task of preserving the spirit of the First Amendment as a living force in American law. Even if the immediate wrongs are righted, even if the President pardons the four Russians and Congress changes the statute, the Court has rendered a decision which must stand for years as a sinister landmark in the history of freedom of speech in America.

GERARD C. HENDERSON.

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Enter: The Labor Party

THE birth of the Labor Party was no such spectacular affair as that other effort, seven years ago, to bring into American politics a new party of reconstruction. There was no Roosevelt to color the convention with his personality. There were no five-minute demonstrations, no red bandana handkerchiefs, and none of those psalms with which the Progressive delegates filled the gaps that came while Mr. Perkins and his fellow leaders were conferring in an ante-room to decide what the new party would do next. But despite their other differences there was a certain quality of temper that the Progressive and the Labor conventions had in common. Men and women in each convention talked of obligations that could not be shirked, saw in their opponents the forces of almost unbroken darkness, believed themselves crusaders in the search for a new and happier order of society.

It had been said by many people, and particularly by those hostile to the idea, that in America the agitation for a Labor Party was a hot-house movement. A few leaders were solicitous; the rank and file of labor, indifferent. A convention would disclose how completely indifferent. There would be delegates enough from Chicago—delegates already on the scene of action—but from far-away districts and from the great industrial trade unions there would come few delegates and fewer zealots.

Such calculations were upset by what actually happened when the convention met last week. For the roll-call showed a national representation that not many people would have expected, with the Chicago delegates outnumbered ten to one. There were delegates from thirty-five states—and what is more significant, so far as trade union sentiment is concerned, from every important craft union in the American Federation of Labor. In most cases, no doubt, the selection of delegates was made by a local rather than by a state organization; and the popular authority which each delegate had behind his ballot is, of course, a matter still to be tested. But the range of trade-union representation was genuine. The Mine Workers had 179 delegates; the Machinists, 40; the Railway Brotherhoods, 65. There were Plasterers and Nurses and Glassblowers; Moulders and Waitresses and Bill Posters; Teachers and Blacksmiths and Lighter Captains. There were, in all, representatives of fifty-five national and international craft unions in the Federation of Labor.

Two days this mixed assembly took for the creation of a temporary organization and the consideration of resolutions. On the third day it was ready for the more difficult question of agreeing upon a party constitution.

The constitution which was reported to the convention by one of its committees is a brief document. It begins with a declaration that the object of the party is to unite, not the trade unions alone, or any other special "classes" alone, but "all" hand and brain workers in support of the principles of "political, social and industrial democracy." With this broad purpose the constitution goes on to create a permanent party organization. The National Committee, as originally planned, consisted of one delegate from each state. But it was moved from the floor that the committee consist instead of two delegates—and that in each case one of them be a woman. This amendment was accepted. In theory it was admitted that women ought not receive special recognition on account of their sex. But in practice it was argued that if they are ever to attain political responsibility, women must first receive more substantial recognition than the different party organizations can give them by the creation of Honorary Ladies' Auxiliary Committees.

There are certain routine matters of state organization and democratic control of officers which the Labor Party constitution takes up next; then follows a section sharply at variance with the principles of traditional party politics: "Whenever five or more state Labor Party organizations request that any nation-wide policy, amendments to the constitution, or recall of officers be submitted by referendum to the affiliated membership of the entire nation, it shall be the duty of the National Committee to direct each state organization to take a referendum of its members." It is possible that in this provision the delegates of the Labor Party were experimenting with something more fundamental than they realized at the moment. What has helped smother representative democracy in American politics is the fact that seldom has it been possible for common rank and file members of the older parties to decide the issues upon which all-important elections are to be fought. Party chiefs and party editors usually make the issues. The turn of the common voter comes later. If he is an independent voter his only real freedom is often a choice between the lesser of two evils.

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Discussion of the Labor Party's constitution raised a question which had been hanging fire since the opening of the convention—the question of possible alliances with the Farmers' Nonpartisan League and with other progressive political associations. The Nonpartisan League had sent no delegates to the convention. It had sent two "fraternal delegates," and both of these spokesmen had urged an alliance in the most explicit terms. There was no "bolt" of the farmers from the convention—as a number of the press reports asserted. The basis for that story was the action of several representatives of the Workers' Nonpartisan League in Minnesota. This League, like the League of Farmers, does not nominate an independent ticket, but uses the primary to elect its candidates, regardless of the string of emblems that runs across the top of the ballot. Representatives of the Workers' League did not leave the Labor Party convention because of any disagreement with its purposes. They remained at its sessions, simply withdrawing technically because their own political methods ran counter to a section in the original convention call which declared that the new party would nominate no candidates on the tickets of the old parties.

What the convention now debated was the question of drawing a constitution sufficiently broad to permit a coalition with such groups as the Nonpartisan League—and yet strict enough to keep the local party branches from continually compromising with the Republicans and Democrats until the party's identity had gradually been shaved away. There were some delegates at the convention who had no fear of the Democrats and Republicans. They thought the rabbit would be able to turn in its tracks and swallow the boa constrictor. But the great majority dreaded amalgamation with the old parties as they dreaded death—and the effect of their warnings was the adoption of a clause (1) forbidding the indorsement of candidates of other parties, and (2) providing expulsion for any Labor Party member who accepted the nomination of another party—with the proviso that neither of these rules was to hinder the formation of "working alliances" with "farmers' leagues and other progressive organizations supporting the Labor Party's program and accepting its ideals." These provisions, subject to the pressure of future events, may disappoint the delegates who drew them. But they were accepted as a good enough beginning—and the convention proceeded to the one task still before it, the adoption of a platform.

A short platform, consisting of but three planks—freedom of speech, nationalization of public utilities and natural resources, and taxation of unused land—had been carried in the call sent out to announce the convention. And upon such a short platform a new and experimental party might wisely have determined to stand in its first campaign. This was the advice given the convention by a representative of the British Labor Party. But the delegates were too aware of their obligations to accept it. They had ears for every voice crying in the wilderness. And the platform they adopted rests on thirty planks instead of three. There is no attempt, in it, to build the structure of a new social order, as the British Labor Party built. Rather it consists of importations from Great Britain, legacies from the Bull Moose Party, and reforms for which the American Federation of Labor has long stood and never voted. Its principal items are repeal of the Espionage act—freedom of speech and assemblage—a League of Nations built upon a treaty of the fourteen points—nationalization of "all basic industries which require large-scale production and are in reality upon a non-competitive basis," such as railways, mines, and forests—indorsement of the Plumb Plan—steeply graduated income and inheritance taxes—the banking business "to be placed in the hands of the federal government"—an executive budget in Congress—abolition of the Senate—nationalization of "unused land"—abolition or curtailment of the Supreme Court's right of veto over national legislation—popular election of federal judges—credit facilities for farmers "as cheap and available as those afforded any other legitimate and responsible industry"—guarantee of the right of workers to bargain collectively—prohibition of child labor under sixteen years—and a wage "based upon the cost of living and the right to maintain a family in health and comfort without labor of mothers and children."

About the wisdom of individual planks in this long program—or about the bulk of them, for that matter—the voter who is not affiliated with the new Labor Party may be doubtful. But whatever its sins the program has one essential advantage over the campaign platforms of the two standing parties. It is politically honest. It does not attempt to substitute unreal issues for genuine ones. It does not, like recent programs of the two old parties, attempt to lead the voter into thinking that his ballot can be used for no other purposes than the shifting up and down of tariffs, the framing of laws and more laws against trusts, the reorganization of the army and navy, and the substitution of a Republican rivers and harbors bill for one

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framed by the Democrats. With such paraphernalia the old parties have kept out of American politics those very issues the Labor Party now introduces. And its reward, for having introduced them, is likely to be the charge that it is pandering to class sentiment. Editors and politicians will forget that it has been the old party organizations that have kept genuine economic and social issues so largely out of politics, and forced labor to seek by means of the strike many of those innovations that only the ballot can bring. If it is indeed class feeling to which a party of hand and brain workers appeals, it is at least not that minority class which profits from a stand-still order, but that larger class, not only of trade unionists, but of farmers, and professional men and small business agents whose interests demand a democratic reconstruction in America. Only with a new political party as a weapon is that reconstruction possible. And a new weapon, still rough and untried, was forged last week in Chicago.

CHARLES MERZ.

CORRESPONDENCE

The Disability of the Red

SIR:—Lawyers and laymen alike will be interested in a new doctrine that is rapidly becoming a part of the law of the land. Already it has been unanimously adopted by the newspapers and it is being received with great favor in Congress and the state legislatures.

It seems to be a spontaneous re-appearance—though in antithesis—of the archaic and obsolete principle of "benefit of the clergy." The new doctrine may be called for want of a better name the "disability of the Red." It is in a fluid and formative state at the present time and not all of its features are readily discernible. A few of the more salient ones, however, are clear enough. It is plain, for instance, that a "Red," so-called, is a creature of decided legal inferiority. Thus he cannot walk the streets, carry flags, read or write, or even possess books, newspapers, or magazines, maintain the privacy of his home, or utter vocal sounds of any nature, except at the sufferance of the local police. He has no right to leave his work in some instances, nor in others to do any work. He is incompetent to charge any person with offences against the laws, and if he makes such accusations, his testimony is to be discredited and the accused exonerated upon proof of the accuser's "redness."

It might seem to be an essential element of the doctrine that it define clearly just who are "Reds" and who are not "Reds." (Incidentally one gathers that a "Red" may be generally determined as any one who does independent thinking—though the law on that point is not yet settled.) But a definition becomes unimportant in view of the fact that the "Red" status arises not from *being* a "Red," but from being *called* a "Red." The whole principle is thus much simplified by an understanding of this phase of it.

The way it works is as follows: If I call a man a "Red," I may break into his house, arrest him without specifying a complaint, stop his tongue and pen, etc. If it turns out that the victim was not a "Red," that fact is of no consequence, for you see I justified myself by calling him a "Red," before I did any of these things.

A recent application of the doctrine seems to make it broad enough to excuse a homicide, although the "Red" accusation was not made until *after* the killing. The incident happened in Boston during the first days of the police strike. It was on Tremont street in the morning when a man, named Geist, was shot and killed by a state-guardsman. The stories conflict, but there was evidence that Geist had trouble with a soldier on duty, and had put his hands on the soldier's rifle or something of that sort, and then ran across the street to the Common. Another soldier—not the one Geist had had trouble with—thereupon raised his gun and shot Geist through the back. In passing it may be added that a wholly innocent old lady got the bullet in her knee after it had passed through Geist's body.

At first the people of Boston felt that the score or more of soldiers in the vicinity of Tremont and Boylston streets might have captured and subdued Geist without killing him. So a certain amount of public indignation was stirred up at the affair. But the morning after everyone breathed easier. There were deep sighs of relief over the coffee cups. And the whole city tripped blithely off to its daily toil. For the morning newspapers had it that "socialistic and anarchistic literature had been found in the possession of Geist." Thus everything was explained satisfactorily—the shooting justified—and the whole episode filed in the category of things to be forgotten. No complaint has been made against the soldier who shot Geist in either the civil or military courts, although over a month and a half has elapsed, and presumably none will be.

Of course, Geist did not in fact have any socialistic or anarchistic literature on his person or elsewhere. He did not seem to have been interested in socialism or anarchy in any of their hydra-headed forms. He was nothing but an honorably discharged soldier of the A. E. F.—a volunteer at that—but recently back from France.

Perhaps in this case the doctrine of the "disability of the Red" was carried too far.

A BOSTONIAN.

Dick Baker and His Cat

SIR:—In your Fall Literary Review there is a notice of the delightful book, Theodore Roosevelt to his Children. The writer quotes an amusing passage in which Mr. Roosevelt tells with considerable humor of an encounter between Uncle Joe Cannon and the White House cat, Tom Quartz by name. Your critic "Q. K." in his interesting and sympathetic review goes on to say, "Who gave Tom Quartz his name I wonder?"

Mark Twain gave the name, because in Roughing It, Mark tells of his friend Dick Baker, "pocket miner of Dead Horse Gulch," who was wont to mourn over the loss of a wonderful cat who had an ineradicable prejudice against quartz mining and bore the name of Tom Quartz.

A glance at Chapter XX of that amazing book, Roughing It, will repay the reader and tell him the good story of Dick Baker and his cat.

New York City. GEORGE GORDON BATTLE.

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A Representative Specimen

Gun Fodder, the diary of four years of war, by A. Hamilton Gibbs, major Royal Artillery. With introduction by Philip Gibbs. Boston: Little Brown & Co.

YOU may approach this book either for its record of the experience of war or for its judgments of the institution of war. On both scores it is extraordinarily interesting. What lends it most interest is not its specialness but its typicalness. It is the hot expression of a quite normal educated English youth. The writing of a Bertrand Russell or a Barbusse or a Latzko may to a certain extent be discounted. These men are, if you like, exceptional men. They take the war in their own unicorn way. But A. Hamilton Gibbs is immensely unlike such special characters. He has this book to write precisely because he leaped into the war at the start in a burst of generous feeling and never pretended to any special reflections on the subject, and he went through with it in the regular way to the bitter end. "All unconsciously she opened my eyes to the unpleasant fact that it was *my* war too." So, rather proudly, he wears his heart as well as his service stripes on his sleeve. That is why he volunteered and why, as he explains it to himself, he carried on. The more significant, then, his whole account of himself—a man who has so much the look, the gesture, the accent, of the "normal" healthy male.

It may be felt that the "kid brother" of Philip Gibbs and Cosmo Hamilton has in all probability a literary or theatrical "taint". Major Gibbs was himself a writer and actor before he enlisted as a trooper in the Lancers in September, 1914. But except for a certain boyish taste for the effective and a certain extra-facility not usual in Englishmen, he seems as normal as bacon and eggs. Philip Gibbs mentions his "physical prowess as an amateur pugilist, golfer, archer", and he himself mentions his education in France and at Oxford, and his "previous Christmas in the gold and sunshine of Miami, Florida, splashed with the scarlet flowers of the bougainvillea". These things indicate him, exteriorly at any rate, as the timber from which the officers of the new army were made. And his own first hundred pages leave no doubt as to his typicalness, especially in stoutness of heart.

He is no intellectual. He tackles his job as trooper in the 9th Lancers in anything but the critical spirit. The training is hurried and severe, with a great deal of unnecessary brutality and hardship. Major Gibbs makes as little of this, on the one hand, as he makes of his comrades' interesting personalities, on the other. He just notes the hardship, he takes the personalities pretty much for granted, he is fascinated by good team play and merry comradeship, with one eye on leave and London and the other cocked with eagerness for the signal for France. It is, in a sense, the conventional schoolboy spirit. It is also the spirit of high romantic youth. It is not challenging authority or at the same time cringing to authority. It shirks nothing, is rather self-deprecatory yet extremely keen to be given a chance.

In many of Major Gibbs's experiences as a trooper—such, for example, as his terrible journey with eight frightened horses in a cattle truck or his close personal association with the crude and raw—you feel keenly sorry for him; but you also feel that he is only enduring these things on his way up, and so it is. In his imagination he is not, like Barpusse, a common soldier. He is frank to say that "in the rank he was a number, like a convict,—a cipher indeed, and as such it was a struggle to keep one's soul alive. One had given one's body. They wanted one's soul as well. . . It was a merciful thing for me that I was able to escape so soon, to climb out of that mental and physical morass and get back to myself". In phrases like these the typical Public School man is again illuminated, as distinguished from those peculiar people, usually saints or artists or intellectuals, whose circumstances do not dominate their souls.

In the ranks, as in Egypt and around Salonica, Major Gibbs is vividly interesting. It is with his experiences in command of a battery in France that the drama of his spirit becomes tense. His method of narrative is not entirely satisfactory. He tends, for one thing, to be rather too full of military argot, to introduce at the crucial moment too many unexplained pip-sqeaks and O. P.s and R. T. O.s and calibrations. But apart from this minor defect and the more serious defect of style, he is one of the best eye-witnesses of hell let loose. More than that, he is a witness so straight and untrammelled that he piles up a terrific case against the contingencies of war.

Those contingencies are now seen from the commander's point of view. "Do the men ever realize, I wonder, that the major who snaps out orders . . . can be a human being like themselves? . . . It was my first experience in handling subalterns too and I came to see them from a new point of view. Hitherto one's estimations had been limited by their being good fellows or not. The question of their knowledge or ignorance hadn't mattered. One could always give them a hand or do the thing oneself. Now it was reversed. Their knowledge, working capabilities and stout-heartedness came first. Their being good fellows was secondary, but helpful. The most ignorant will learn more in a week in the line than in ten weeks in a gunnery school". From this vantage point, in a way professional and institutional, Major Gibbs saw and endured the later stages of the fighting and held his own side to account.

This account begins to be heavy with the first deaths of his intimates. "A cigarette holder, a penknife, a handkerchief, the ring. I took them out with me into the moonlight, all that King and country had left of him. What had this youngster been born for, sent to a Public School, earned his own living and married the pretty girl whose photo I had seen in the dugout? To die like a rat in a trap, to have his name one day in the Roll of Honor and so break two hearts, and then be forgotten by his country because he was no more use to it. What was the worth of Public School education if it gave the country no higher ideal than war?—to kill or be killed. Were there no brains in England big enough to avert it? He hadn't wanted it. He was a representative specimen. What had he joined for? Because all his pals had. He didn't want them to call him coward. For that he had left his wife and his home, and to-morrow he would be dropped into a hole in the ground and a parson would utter words about God and eternal life. . . The men who made the law that sent us out, they didn't come too. They were the 'rudder of the nation', steering the 'Ship of State'. They'd never seen a pair of boots sticking out of the earth. Why did we bow the neck and obey other men's wills?"

This insubordination did not impair Major Gibbs's efficiency. He fought like a demon when the Germans broke through, March, 1918, and he obediently took up insane positions at the command of blunderers and fools. But in the end the accumulation of ignorance and cowardice drives him to extreme bitterness. What is the world travail for?

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What does the present hold out to us who have been through the Valley of the Shadow? "The vision of the old men has been realized. . . The result is failure. . . The era of the young men has begun. . . . The young men ask that mankind should now concentrate on the art of giving life. . . We found truth while we practised war. Let us carry it to the practice of peace."

Such, for all his normality, is Major Gibbs's judgment of the institution of war. His experience of it is obviously thorough. He not only never shirked danger but the factor of danger he completely and amazingly disregards. Unlike, in this respect, so many theoretic pacifists, he himself becomes a passionate pacifist. As a man with the criteria of an English gentleman and officer, he cries out against the system that—as he believes—resulted in the waste, the horror, the moral slavery of war.

I should like to stop here, with a final word about the marvelous descriptiveness of Major Gibbs's later pages. But the book is too characteristically muddled, I think, to be put down at this point. "Just before his denunciation of jealousy, hatred and enmity" ("have we learnt *nothing*?") Major Gibbs permits himself a eulogy of France (we "at last have our eyes opened to the fact that our one-time enemies have the same qualities of courage and endurance, a far truer patriotism and a code of honor which nothing can break," etc., etc.). And yet, on the very page previous, he says of the Germans: "They should be made the slaves of Europe, the hewers of wood and drawers of water, the road-sweepers and offal-burners, deprived of a voice in their own government, without standing in the eyes of all peoples".

Isn't it both silly and sad? Philip Gibbs agrees in the introduction that the *whole* structure of Europe was wrong; that *all* the nations were involved; that it was, in effect, a conflict between rival Powers imbued with exactly the same philosophy of Imperialism and Force, "the product of commercial greed, diplomatic fears and treacheries and intrigues (conducted secretly over the heads of the peoples) and had not the German people been led on to their villainy by the same spell-words and 'dope' which had been put over our peoples, so that the watchwords of 'patriotism', 'defensive warfare' and 'Justice' had been used to justify this massacre in the fields of Europe by the Old Men of all nations, who used the Boys as pawns in their Devil's game?"

Major Gibbs is unlike his brother. He is still listening to the whispers of the Old Men, the expert liars. He is still something of a pawn. And that is because, although rebelling against the Old Men as a result of his violated sanctities, he retains their ideology. Because he has valor and generosity on their terms they seduce him into jealousy and enmity and hatred.

The escape, it is clear, is not a matter of physical courage. Major Gibbs has the courage of a lion. It is a question of new values, values quite different from the values of old patriotism and old "honor" and the adroit self-preference of the Public School ideology. It means a new way of handling life. According to the old ideology, the man who is your enemy (be he German or Mexican) is also righteousness's enemy. You serve honor and advance virtue by injuring him; it is your duty to treat him as an object, to treat him as a demon, to hurt and to annihilate. Only by recognizing the moral and intellectual character of this self-preference can we adjust ourselves to the problem of war. War comes in the main from an ideology that is built on competitiveness. Major Gibbs is still partially its victim.

F. H.

The Moon and Sixpence

The Moon and Sixpence, by W. Somerset Maugham. New York: George H. Doran Co.

CHARLES STRICKLAND, an apparently normal, middle-aged stockbroker, suddenly deserts his wife and children, goes to Paris to study painting in a garret, steals another man's wife, drives her to suicide, drifts penniless about Marseilles docks, sails off to Tahiti, and when leprosy ends his days there, he is painting great pictures, solitary but for a native "wife." Such might be the meanly tragic milestones of almost any life humanly compounded of weakness, doubt, desire and ability. But Strickland—besides being a great painter, has no doubts, is supernaturally strong-willed, unbound by any custom, love or prejudice—a man quite alone, and really not human at all. For forty-odd years a humdrum member of society, all at once he cuts every thread that binds him to his fellow-men. Beginning with his hard dingy life of study in Paris, lonely as a mangy tom-cat, he seems to spend most of the time we are with him proving in coarse, cold, brutal words that he cares nothing for what anyone else in all the world may think of him: "You blasted fool." . . . "God-damn my wife. She is an excellent woman. I wish she was in hell." . . . "You have a despicable character . . . Go to hell . . . What do I care? I hate him."

To behavior on the face of it quite unnatural, Mr. Maugham is clever enough to lend a certain sharp, sunless reality, the reality of a photograph, a stenographic report. He frames Charles Strickland; he does not retouch or explain him. Did he even explain to himself? How was he so incurious of Strickland through long years of quiet stock-broking? If his hero really interested him, as a character, why was he so blind to what must have been a most fascinating drama of personality, the long push of will through walls of habit, herd-fellowship and mediocrity into a barbaric isolation? The one thing interesting above all, we are not allowed to see: through what fiery inner struggle did Strickland break loose to follow his ambition, and what intimate chemistry of soul caused his sudden lapse into the freakish behavior that alone characterises his genius? After all, Mr. Maugham is chiefly interested in this behavior, and in his emphasis of it neglects to prove the fact of genius, so destroying our belief in the only thing that gives value and meaning to the behavior.

The solidest proof of the greatness of Strickland's paintings seems to be their ultimate cost: "Most of them have found their way into museums, and the rest are the treasured possessions of wealthy amateurs." In looking straight at the pictures themselves we are much less convinced of their value. "They seemed to me ugly, but suggested without disclosing a secret of momentous significance. They were strangely tantalizing. They gave me an emotion that I could not analyze . . . I saw a tormented spirit striving for self-expression." Or of a nude: ". . . there was also a spirituality, troubling and new, which led the imagination along unsuspected ways, and suggested dim empty spaces, lit only by the eternal stars where the soul, all naked, adventured fearful to the discovery of new mysteries." While Strickland was dying in Tahiti, the French doctor, Coutras, who went to see him, found the walls of his room "from floor to ceiling covered with a strange and elaborate composition.

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It was indescribably wonderful and mysterious. It filled him with an emotion he could not understand or analyze. He felt the awe and the delight which a man might feel who watched the beginning of the world . . . It was the work of a man who knew things which it is unholy for men to know. There was something primeval there and terrible. It brought to his mind vague recollections of black magic. It was beautiful and obscene." And though perhaps the readers too may feel something of an "emotion that they cannot analyze," the pictures themselves really remain unseen.

The unexploited possibilities of the Moon and Sixpence are vast, and raise a suspicion that is later confirmed. The wealth of Strickland's mind at work is untouched, the precious ore in his early obscure years is not crushed into literature. At times he really fascinates his creator. His cynical solitary presence hangs brutally near for a while, a sharp shadow cast over the page. The mystery approaches, the soul is almost revealed. But Mr. Maugham, tempted by a real problem, or frightened by its difficulty, quickly sends him off to Marseilles or Tahiti to have his outline blurred, his insistence weakened, paled into a distant, interesting figure. And then, Mr. Maugham turns calmly to fasten his cold eye momentarily on some lesser figure, and impart to it a swiftly-fading warmth of pressure or scrutiny rather than emotion. Now he is so intensely aware of Mrs. Strickland that it looks as if the book were going on to be about her. Now a few keen disagreeable pages about her son. We almost go with the pathetic buffoon, Stroeve, back to Holland. Marseilles reigns for a chapter—dirty docks, bread lines, seedy charity, hungry sailors, boarding house brawls—done tersely, clearly, faintly second-hand. We follow Doctor Abraham to Egypt: the voyage is interesting, the readjustment difficult. There is Tiaré, daughter of the South Seas, fat and forty, with her past, her easy, dingy present—his cold, sharp, undivided scrutiny almost surrounds and cuts her off from the rest of the story. It is not alone curiosity that guides him—that curiosity, neither omnivorous nor lively, but intense and intermittent, which suggests effort rather than appetite. His seems more to be the cold glow of interest that warms the cheek of the apple in still life pictures, the beautiful, laborious deadness of the dead fish's eye. He is craftsman, not lover. His temperament is attracted by strangely sour people, who really repel him; his description pickles them with grace and zeal.

For though Mr. Maugham's models are at all times animate, and often human, he has drawn them with a skill so uniformly, coldly zealous as to betray his real purpose, beyond and above them, his most genuine interest, which is to write, to exercise this skill. And, while we may be puzzled at its use, this skill cannot be denied. But with the hint that it is yet the skill of an artist who has just finished learning to draw very well, and enjoys doing so for a while before attempting color and composition, there is also a suggestion that color is alien to him. The sky lifts very pleasantly at moments, but over most of the book it hangs rather grayly; many of the characters have pinched faces, sullen souls that no burst of love, lust or hatred fans into real flame. A talent, one might say, ill served by temperament, as of one who squeezed with difficult enough, out of himself, flowing fancies, liquid ideas, only to have them restrained and frozen in the ice of cold intelligent words.

R. L.

A Reservist of the Revolution

Memoirs of the Russian Revolution, by George V. Lomonosoff. New York: The Rand School.

THIS small gray pamphlet pretends to be only the literal account of what happened to a man who sat in an office during the first days of the Russian Revolution. It is badly translated and so fragmentary that one has to piece the bits together, but few more voluminous works have brought so close that week in March, 1917. Lomonosoff was in Tsarskoye Selo on February 28th, just home from the Rumanian front. The telephone system to Petrograd was not working. He knew that trouble was rising but nothing more, until that night a telegram came, ordering him to the Petrograd Ministry of Ways of Communication, signed Boublikoff, member of the Duma. What was he to do? Was it revolution? He felt sure that the troops from the front would crush it in a few days. If he obeyed the call his next move would be into the fortress of Peter and Paul. "But," he thought, "a reservist of the revolution must not shirk his duties." So he asked for his valise, saying, "and pack an outfit for prison."

But it wasn't prison. It was the office of all Russia's railroad administration, the very "eyes and ears" of the Provisional Government. Here Lomonosoff, together with two or three others, was entrusted with keeping the lines open for the revolution and closed for its enemies. They did it. They had little food and less sleep and their hearts sank with the vacillations of the Duma, but with trains and telegraphs and telephones they checkmated the old order. Somehow one sits there at night with Lomonosoff and hears the fate of the revolution jingling on the wires. He calls up Moscow, Kharkoff, Caucasia, Siberia. All is well, the railroad men stick to their posts, they are faithful to the Duma. What, they ask, is to be done with the Tsar's train? The Duma orders it to be held at a certain station, until a special train with Duma delegates can reach it. The Tsar's train disregards orders and goes ahead on its last imperial way, on to Pskov, on to join the army. Lomonosoff sees. Very well, block the junction with freight trains. So the Tsar has to wait for the Duma.

Into every office conversation breaks the operator's call to Lomonosoff, "Uriy Vladimirovitch, the Vindovskaya is calling," and to every frantic question from the railroad comes a quick decision. Invisible fingers play against the Tsar, snatching trains from their orbits. Here is General Ivanoff, chief of the Georgian cavaliers, a body of Tsarist troops, demanding to be let through to the capital. Take up the switches between his station and Petrograd. There is still another route he can use. Have a freight train jump the track there. Now Ivanoff threatens to shoot the employees unless he gets a locomotive. Give him a locomotive, but run the water out of both tenders. The General is soon stranded versts from nowhere, and "strange to say, the Vindovskaya fails to send a relief train."

But Lomonosoff has played for time to good purpose. The train of the Duma delegates has reached the imperial train, the Tsar has abdicated, the news is flashed to Lomonosoff, and when Ivanoff again thunders on the telephone "By order of the Tsar," he is blandly asked "What Tsar?"

The railroad men saved the revolution. Had Ivanoff reached Petrograd, the Tsar would not have abdicated. It is with an unquestionable thrill that one reads the end of the

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Commissar's proclamation to the lines of all Russia. "—Let those I have not mentioned forgive my forgetfulness. Let the great work they have performed give them satisfaction. Proudly we should all bear the name of railroad men.—Inform on the lines." S. T.

More Portmanteau Plays, by Stuart Walker. Cincinnati: Stewart and Kidd Co.

THERE is always a peculiar element of pathos in the fate of a dreamy, imaginative child handed over to the ruthless tyranny of a stupid, practical and insufferably wellmeaning relative. This theme, relieved by the interjection of a fairy godfather in the shape of a rich and sympathetic uncle, furnishes the plot of Jonathan Makes a Wish, the most significant of Mr. Walker's three new plays. Jonathan is a fourteen year old boy, passionately eager to write plays, to taste and enjoy life as an artist. His uncle John, one of those domestic tyrants who only attain their full development after generations of education in Anglo-Saxon self-righteousness, is determined to make him an engineer. There is an inevitable clash between the intangible aspirations of the boy and the stubborn prejudices of the man; and a tragic result is only averted through the agency of the benevolent uncle. The finest passages of the play are to be found in the second act, when Jonathan, delirious from a fall he has suffered in attempting to run away, falls into a series of fantastic dreams. A scene of this kind lends itself easily to mawkish sentimentality; Mr. Walker avoids this fault and creates several images of sad and haunting beauty. The play as a whole is not very original and not very profound; but it is a sympathetic and artistic treatment of a situation which, unfortunately, does not always turn out as happily as in the case of Jonathan. The author displays excellent craftsmanship in his carefully drawn minor characters.

The Lady of the Weeping Willow Tree is a charming fantasy of Japanese folklore. The characters in the drama are held in the grip of a gaki, or demon, who feeds upon human misery. In the end the evil spirit is exorcised, and the play closes in an atmosphere of romantic joy. The Very Naked Boy, a short one-act sketch which is included in the book, is a bit of foolery. It describes the abrupt interruption of a lovers' quarrel at a ball by the alarming discovery that the small brother of the girl in the case is lurking behind a screen in a very primitive costume.

Both the longer plays in the present volume have a certain authentic fairy touch, a charming illusion of unreality. The spirit which animates his work is expressed in the Prologue to the plays, when Memory urges the audience to turn back to the dreams which are the truest things in life after all, and in the author's warning as the curtain rises: "There are only playthings here."

Contributors

CLIVE BELL, English literary and art critic. The author of Art, and Pot-Boilers.

GERARD C. HENDERSON, a graduate of Harvard Law School, formerly connected with the Federal Trade Commission, and the United States Shipping Board. He is now making a special study of railroad problems.

From "Tales From The Secret Kingdom," see below.

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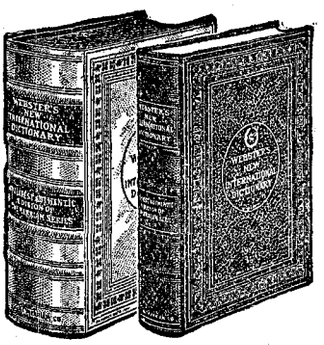

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